

Message Text

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TO AMEMBASSY BUCHAREST

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TAGS:SHUM, PORG, US

SUBJECT:U.S. POLICYON TREATMENT OF ETHNIC MINORITIES

REF: BUCHAREST 4529, BUCHAREST 4574

1. AS REQUESTED, THE FOLLOWING IS A SUMMATION OF U.S.
POLICY ON TREATMENT OF MINORITIES WORLDWIDE. AS PARTIES TO
THE UNITED NATIONS CHARTER WE ARE COMMITTED UNDER ARTICLES
55 AND 56 TO OBSERVE AND PROMOTE HUMAN RIGHTS AND FUNDAMEN-
TAL FREEDOMS FOR ALL WITHOUT DISTINCTION AS TO RACE, SEX,
LANGUAGE, RELIGION. CONSISTENT WITH THIS COMMITMENT, THE US
REGARDS THE PROTECTION OF THE INDIVIDUAL AS FUNDAMENTAL AND
THAT BOTH THE RIGHTS OF THE MAJORITY AND MINORITY ARE BEST
SAFEGUARDED THROUGH THE PROTECTION OF HE RIGHTS OF THE IN-
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DIVIDUAL. THIS POSTURE HAS BEEN REFLECTED IN VARIOUS POLICY
STATEMENTS. IN A MAJOR FORLIGN POLICY STATEMENT MADE BY
FORMER SECRETARY KINSINGER AT LUSAKA, ZAMBIA ON APRIL 27,
1976, THE SECRETARY APPLIED THIS CONCEPT OF PROTECTION OF
THE INDIVIDUAL AS A MODE OF PROTECTION FOR BOTH THE MINORITY
AND MAJORITY POPULATIONS. HE STATES: QUOTE I REAFFIRM THE
UNEQUIVOCAL COMMITMENT OF THE UNITED STATES TO HUMAN RIGHTS

AS EXPRESSED IN THE PRINCIPLES OF THE UN CHARTER AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. WE SUPPORT SELF-DETERMINATION, MAJORITY RULE, EQUAL RIGHTS AND HUMAN DIGNITY FOR BEGIN UNDERSCORE ALL END UNDERSCORE THE PEOPLES OF SOUTHERN AFRICA END QUOTE.

2. WITH SPECIFIC REFERENCE TO RHODESIA HE MAINTAINED QUOTE WE STATE OUR CONVICTION THAT WHITES AS WELL AS BLACKS SHOULD HAVE A SECURE FUTURE AND CIVIL RIGHTS IN A ZIMBABWE THAT HAS ACHIEVED RACIAL JUSTICE, A CONSTITUTIONAL STRUCTURE SHOULD PROTECT MINORITY RIGHTS TOGETHER WITH ESTABLISHING MAJORITY RULE END QUOTE (DEPT. OF STATE BULLETIN MAY 31, 1976 AT 672).

3. U.S. POSITION THAT THE PROTECTION OF THE INDIVIDUAL IS THE BEST MODE TO SECURE THE RIGHTS OF MINORITIES, HAS NOT BEEN LIMITED TO OUR EFFORTS FOR MINORITIES OVERSEAS, BUT HAS BEEN APPLIED TO PROTECT OUR OWN NATIONALS. PRESIDENT FORD'S STATEMENT OF 1976, (WHICH DETAILED MEASURES DESIGNED TO COUNTER FOREIGN BOYCOTT PRACTICES AND THEIR DISCRIMINATORY EFFECT ON CERTAIN AMERICAN MINORITY GROUPS) AND THE PRESIDENTIAL DIRECTIVE IMPLEMENTED BY EXECUTIVE ORDER 11478 UNDERSCORE THE U.S. COMMITMENT TO GUARANTEEING THE FUNDAMENTAL RIGHTS OF AMERICAN INDIVIDUALS AT HOME AND ABROAD. THE INTERNATIONAL SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT, ENACTED JUNE 30, 1976, ALSO CONTAINS PROVISIONS LIMITED OFFICIAL USE

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WHICH HAVE THE OBJECTIVE OF PREVENTING DISCRIMINATION AGAINST U.S. PERSONS FOR REASONS OF RACE, RELIGION, NATIONAL ORIGIN OR SEX (SEE 76 STATE 231123).

4. IN HIS ADDRESS TO THE UNGA ON MARCH 17, 1977, (DEPT. OF STATE BULLETIN OF APRIL 1, 1977) AND IN OTHER WAYS, PRESIDENT CARTER HAS CLEARLY STATED THE COMMITMENT OF THE UNITED STATES TO HUMAN RIGHTS FOR ALL PERSONS. SIMILARLY, IN SIGNING THE EXPORT ADMINISTRATION ACT AMENDMENTS WHICH PROHIBIT RELIGIOUS OR ETHNIC DISCRIMINATION BY AMERICAN COMPANIES ARISING OUT OF A FOREIGN BOYCOTT, PRESIDENT CARTER REAFFIRMED HIS ADMINISTRATION'S OPPOSITION TO THE TRANSFER OF FOREIGN PREJUDICE INTO DOMESTIC DISCRIMINATION.

5. SIMILARLY, IN THE EASTERN EUROPEAN CONTEXT, THE US HAS ENDEAVORED TO PROVIDE FOR THE PROTECTION OF MINORITY POPULATIONS BY THE INCORPORATION OF HUMAN RIGHTS PROVISIONS IN PEACE TREATIES EXECUTED WITH BULGARIA, HUNGARY AND ROMANIA. ARTICLE THREE OF THE BEGIN UNDERSCORE TREATY OF PEACE END UNDERSCORE WITH ROMANIA 61 STAT 1754, 1801, 4 BEVANS 403, 404; TIAS 1649 (1947) PROVIDES: QUOTE ROMANIA SHALL TAKE ALL MEASURES NECESSARY TO SECURE ALL PERSONS UNDER

ROMANIAN JURISDICTION, WITHOUT DISTINCTION AS TO RACE, SEX, LANGUAGE OR RELIGION, THE ENJOYMENT OF HUMAN RIGHTS AND OF THE FUNDAMENTAL FREEDOMS, INCLUDING FREEDOM OF EXPRESSION, OF PRESS AND PUBLICATION, OF RELIGIOUS

WORSHIP, OF POLITICAL OPINION AND OF PUBLIC MEETING.

6. QUOTE ROMANIA FURTHER UNDERTAKES THAT THE LAWS IN FORCE IN ROMANIA SHALL NOT, EITHER IN THEIR CONTENT OR IN THEIR APPLICATION, DISCRIMINATE OR ENTAIL ANY DISCRIMINATION BETWEEN PERSONS OF ROMANIAN NATIONALITY ON THE GROUNDS OF THEIR RACE, SEX, LANGUAGE OR RELIGION, WHETHER IN REFERENCE TO THEIR PERSONS, PROPERTY, BUSINESS, PROFESSIONAL OR FINANCIAL INTERESTS, STATUS, POLITICAL OR LIMITED OFFICIAL USE

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CIVIL RIGHTS END QUOTE.

7. INDICATING A CONCERN FOR THE PROTECTION OF INDIVIDUAL RIGHTS, AND NOT OF MINORITIES AS A GROUP, THESE PROVISIONS GRANT FUNDAMENTAL RIGHTS TO QUOTE ALL PERSONS UNDER ROMANIAN JURISDICTION END QUOTE.

8. AFTER THE TREATY CAME INTO FORCE ON SEPTEMBER 15, 1947, THERE WERE ALLEGED VIOLATIONS OF THESE PROVISIONS INCLUDING THE VIOLATION OF FREEDOM OF POLITICAL OPINION, DETENTION WITHOUT PUBLIC TRIAL, CENSORSHIP OF THE PRESS AND RELIGIOUS PERSECUTION. IN DIPLOMATIC NOTES EXCHANGED BETWEEN THE UNITED STATES AND ROMANIA, THE US UNDERScoreD ITS POSITION BY MAINTAINING THAT IT IS THE QUOTE OBLIGATION OF THE GOVERNMENT OF ROMANIA TO SECURE TO ALL PERSONS UNDER ROMANIAN JURISDICTION THE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS END QUOTE.

9. IN RESPONSE, ROMANIA ASSERTED THAT THEIR CONSTITUTION CONTAINS PROVISIONS WHICH PROVIDE FOR THE PROTECTION OF FUNDAMENTAL RIGHTS AND THAT NO VIOLATIONS OF THE TREATY HAD OCCURRED. A FULL TEXT OF THE EXCHANGES CAN BE FOUND IN DEPT. OF STATE BULLETIN APRIL 10, 1949 AT 450-453 AND JUNE 12, 1949 AT 755-759.

10. AFTER A BREAKDOWN IN DIPLOMATIC EXCHANGES OCCURRED, A SERIES OF RESOLUTIONS WERE ADOPTED BY THE UNGA CULMINATING WITH ICJ ADVISORY OPINIONS OF MARCH, 1950 AND JULY 18, 1950. THE GA TOOK NOTE OF THE OPINIONS WITH THE US VOTING AFFIRMATIVELY FOR GA RES 385 (V) (1950) CONDEMNING ROMANIA'S FAILURE TO OBSERVE THE HUMAN RIGHTS PROVISIONS OF THE TREATY OF PEACE.

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11. A FULL EXPLANATION OF UNGA ACTION CAN BE FOUND IN 5 WHITEMAN, DIGEST OF INTERNATIONAL LAW, 352-56 AND 13 WHITEMAN, 677-79 (1973) OTHER STATEMENTS OF US POLICY REGARDING THE PROTECTION OF THE RIGHTS AND FREEDOMS OF ALL PERSONS ARE FOUND IN THE FOLLOWING STATEMENTS: (1) STATEMENTS BY SENATOR CONNALLY FOR THE US BEFORE THE POLITICAL AND TERRITORIAL COMMISSION FOR ITALY, 3 WHITEMAN 73;

(2) STATEMENT BY JAMES BYRNES BEFORE US SENATE FOREIGN RELATIONS COMMITTEE, ID AT 88-89; (3) MEMO FROM US TO ITALY (1948) ID AT 91; (4) MEMO OF UNDERSTANDING (1952) ID AT 99.

12. WHILE IT IS CORRECT THAT THE US HAS NOT RATIFIED THE UN COVENANT ON ECONOMIC SOCIAL AND CULTURAL RIGHTS, WE EXPECT THAT BOTH THIS COVENANT AND THE COVENANT ON CIVIL AND POLITICAL RIGHTS WILL BE SIGNED AND SENT TO SENATE THIS YEAR FOR RATIFICATION. (SEE PRESIDENT CARTER'S ADDRESS TO THE UNGA ON MARCH 17, 1977: DEPT. OF STATE BULLETIN OF APRIL 1, 1977 AT 329). CHRISTOPHER

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